

DE, SIGNAL 10 SEPTEMBER

Christopher D. Mack
Name
S.D.C.C. / P.O. Box 208

Indian Springs, NV. 89070

#78847
Prison Number

FILED	RECEIVED
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COUNSEL/PARTIES OF RECORD	
NOV 12 2019	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY: _____	DEPT: _____

UNITED STATES DISTRICT COURT
DISTRICT OF

* * *

Christopher D. Mack, Plaintiff

VS.

Jerry Howell, warden
Brian Williams, warden
James Dzurenda, Director of NDOC
Dwight Neven, warden
Dwayne Deal, Offender Management (OMD),
R. Barrett, caseworker
Adam Paul Lakalt, Attorney General
Alison Herr, Deputy Attorney General,
Defendant(s).

2:19-cv-01984-APG-BNW

**CIVIL RIGHTS COMPLAINT
PURSUANT TO
42 U.S.C. § 1983**

A. JURISDICTION

1) This complaint alleges that the civil rights of Plaintiff, Christopher D. Mack,
(print plaintiff's name)
who presently resides at Southern Desert Correctional Center, were violated by
the actions of the below-named individuals that were directed against Plaintiff at
southern Desert Correctional center
P.O. Box 208 / Indian Springs NV 89010 on the following dates:
(institution/city where violation occurred)
Deliberate Indifference
12/01/01 ^{to} Present, and _____.
(Claim 1) (Claim 2) (Claim 3)

Make a copy of this page to provide the below
information if you are naming more than five (5) defendants

1) Defendant Dwayne Deal resides at unknown
(full name of first defendant) (address if first defendant)
and is employed as Offender Management Division. This defendant is sued in his/her
(defendant's position and title, if any)
 individual official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: Defendant is employed by the State of Nevada ex-re
Nevada Department of Corrections

1) Defendant Jerry Howell resides at unknown
(full name of first defendant) (address if first defendant)
and is employed as Warden at N.D.O.C.. This defendant is sued in his/her
(defendant's position and title, if any)
 individual official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: Defendant is employed by the State of Nevada
ex-re Nevada Department of Corrections

1) Defendant Brian Williams resides at unknown
(full name of first defendant) (address if first defendant)
and is employed as Warden at N.D.O.C.. This defendant is sued in his/her
(defendant's position and title, if any)
 individual official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: Defendant is employed by State of Nevada ex-re
Nevada Department of Corrections

1) Defendant James Deurenda resides at unknown
(full name of first defendant) (address if first defendant)
and is employed as Director of Nevada Dept. of Corrections. This defendant is sued in his/her
(defendant's position and title, if any)
 individual official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: Defendant is employed by State of Nevada ex-re
Nevada Department of Corrections

Make a copy of this page to provide the below information if you are naming more than five (5) defendants

) Defendant R. Barrett resides at UNKNOWN
(full name of first defendant) (address if first defendant)
and is employed as Case Worker at N.D.O.C.. This defendant is sued in his/her
(defendant's position and title, if any)
 individual official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: Defendant is employed by the State of Nevada
ex-rel Nevada Department of Corrections.

) Defendant Dwight Neven resides at UNKNOWN
(full name of first defendant) (address if first defendant)
and is employed as Warden at N.D.O.C.. This defendant is sued in his/her
(defendant's position and title, if any)
 individual official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: Defendant is employed by State of Nevada ex-rel
Nevada Department of Corrections

) Defendant Adam Paul Laxalt resides at UNKNOWN
(full name of first defendant) (address if first defendant)
and is employed as Attorney General. This defendant is sued in his/her
(defendant's position and title, if any)
 individual official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: Defendant is employed by the State of Nevada
ex-rel Attorney General's Office of the Court

) Defendant Allison Herr resides at UNKNOWN
(full name of first defendant) (address if first defendant)
and is employed as Deputy Attorney General. This defendant is sued in his/her
(defendant's position and title, if any)
 individual official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: Defendant is employed by the State of Nevada
ex-rel Attorney General's office of the Court.

1
2
3 B. NATURE OF THE CASE
4

5 1.) Christopher Mack here-in-after, Plaintiff, was incarcerated
6 on December 1, 2001 in Consolidated Cases C182000 and C182002 for
7 crime(s) of Count 1 - Burglary while in possession of a firearm
8 (Felony - NRS 205.060) Category B felony, Count 2 - Robbery with use
9 of a deadly weapon (Felony - NRS 200.380, 193.165) Category B
10 felony, Count 3 - Attempt Robbery with use of a deadly weapon
11 (Felony - NRS 200.380, 193.165, 193.330) Category B felony, Count 7 -
12 Burglary while in Possession of a firearm (Felony - NRS 205.060)
13 Category B Felony; Counts 8, 9, and 10 (concurrent) Robbery
14 with use of a deadly weapon (Felony - NRS 200.380, 193.165)
15 Category B Felony.

16 2.) Plaintiff was also charged and Convicted in Case # C181882
17 with two additional Counts. Count 1 - Robbery with use of a deadly
18 weapon (Felony - NRS 200.380, 193.165) Category B felony and
19 Count 2 - Robbery with use of a deadly weapon (Felony - NRS 200.380,
20 193.165) Category B felony. This case plaintiff received on the
21 dates of 11-8-2001 and 11-20-2001.

22 3.) During the above stated times of each case involved up
23 to the present, the Nevada Department of Corrections has
24 failed to compensate and/or credit Plaintiff with the
25 statutory Good time / Work time credits allotted Plaintiff

1 and guaranteed by NRS. 209.4465 (1997). It entitles Plaintiff to
2 have 20 days per month of statutory good time / work time credits
3 deducted from the Minimum and Maximum terms of his sentence
4 for the period he is actually incarcerated and each month he
5 serves. Due to N.D.O.C. neglect of following the guidelines set forth
6 in NRS 209.4465 (1997) Plaintiff filed for WRIT OF HABEAS CORPUS.
7 April 87th, 2017 challenging N.D.O.C.'s Computation of Plaintiff's
8 good time / work time credits. (See Exhibit(D) Petition for WRIT OF
9 HABEAS CORPUS.)

10
11 The Court granted Plaintiff's WRIT OF HABEAS CORPUS on February
12 9, 2018. (See Exhibit(A) Notice of Entry Order.)

13
14 4.) The N.D.O.C. and the Courts have still denied Plaintiff's good time
15 work time credits for all of Plaintiff's counts since November, 8
16 2001 even with the HABEAS CORPUS being GRANTED. The claim is
17 that, "because the application of credits under NRS 209.4465 (7)(b)
18 only serves to make an offender eligible for Parole Earlier, NO
19 RELIEF can be afforded where the offender has already
20 expired the sentence." Plaintiff's rights have been clearly vio-
21 lated since his incarceration and Plaintiff has been excessively
22 confined because of the Constitutional Rights Violations. (See Exhibit
23 (B) Inmate Grievance Report,) (GRIEVANCE.)

24
25 5.) Plaintiff had a Parole Granted to him in which the N.D.O.C.
26 rescinded claiming Plaintiff was "ineligible." Plaintiff was
27 granted board in Consolidated Cases) C162000 and C162002 on
28 7-9-2004, parole eligibility date be 11-29-2004. During

1 this time Plaintiff went back to Court and signed a Guilty
2 Plea agreement in Case C181882 and was sentenced on the
3 date of August 4th, 2004 to (3) Two additional Counts of
4 Robbery with use of a deadly Weapon to run Concurrent with
5 Plaintiff's Consolidated Cases) C182000 and C182002 . N.D.O.C.
6 and Nevada Board of Parole Commissioners told Plaintiff that
7 prior to the 11-29-2004 Parole date in Case C182000, New
8 sentences resulting from a different Conviction were applied
9 to Plaintiff's current sentence structure and according to
10 NRS 213.1213, eligibility for parole on Concurrent sentences
11 is based on the sentence, requiring the longest period of time
12 to serve before eligibility. Plaintiff contends that if the
13 N.D.O.C. Applied NRS 209.4465 (1997) correctly, there's
14 no way the two cases C182000 and C181882 could have
15 ever effected each others course or Plaintiff's Parole.
16 (See Exhibit (C) Nevada Board of Parole Commissioners
17 Letter.)

C. CAUSE(S) OF ACTION

CLAIM 1

The following civil rights have been violated: Plaintiff was denied Due Process under Nevada Constitution Art 1 § 8 and state law.

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Plaintiff specifically Re-alleges Paragraphs (1) through (5) of the Nature of the Case as specifically alleged herein.

Defendants, Terry Howell, Brian Williams, James Duruenda, Dwight Nevers, Duwayne Deal, R. Barrett, Adam Paul Levitt, and Allison Herr all denied Plaintiff of his due Process. As directors, wardens, Attorney Generals, employees, and Policy Makers in charge of training, applying and overseeing Plaintiff's stat-time, work-time credits directly violated Plaintiff's due process rights under the Nevada Constitution Art 1 § 8 by implementing, enforcing and ratifying arbitrary "Customs" and Policies in which deprived Plaintiff of NRS 209.4465 (i)(e) Application of credits, Parole eligibility date, appropriate custody level, timely parole board hearing, and ultimately liberty without a hearing or any legitimate penological reason further depriving Plaintiff of his Plea agreement, and Judgment of Conviction Without Due Process.

CLAIM 2

The following civil rights have been violated: Plaintiff was subjected to Ex-Post Facto/De-Facto law in violation of Art. 15 of the Nevada Constitution and state law.

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Plaintiff specifically Re-Alleges Paragraphs (1) through (5) of the Nature of the Case as specifically alleged here-in.

Defendants, Jerry Howell, Brian Williams, James Ozurenda, Dwight Neven, Dwayne Deal, R. Barrett, Adam Paul Loxart, and Alison Herr, as Directors, Wardens, Attorney generals, employees and Policy Makers in charge of training, Applying and overseeing Plaintiff's stat-time, work-time credits directly violated Plaintiff's Nevada Constitutional right to be free from Ex-Post Facto/De Facto application of law by implementing, enforcing and ratifying Arbitrary "Customs" and Policies in which subjected Plaintiff to the failure of NRS 208.4465 (1)(B) application of Credits and/or the retroactive application of NRS 208.4465 (2) which inflicts a greater punishment on Plaintiff i.e. Custody Level, Parole eligibility, and increased sentence.

CLAIM 3

The following civil rights have been violated: Plaintiff was subjected to Cruel and unusual punishment in violation of Art 6 of the Nevada Constitution, N.V. State law.

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Plaintiff specifically Re-Alleges Paragraphs (1) through (5) of the
Nature of the Case as specifically alleged here-in.

Defendants Terry Howell, Brian Williams, James Durrenda, Dwight Neven, Adrienne
Deal, R. Barrett, Adam Paul Laxalt, and Allison Herr, as Directors,
wardens, Attorney Generals, employees and Policy makers in charge
of training, applying and overseeing Plaintiff's stat-time, work-time
credits directly violated Plaintiff's Nevada Constitutional Rights to
be free from cruel and unusual punishment by implementing,
enforcing, and ratifying arbitrary "Customs" and Policies in which
Deliberately and indifferently deprived Plaintiff of Parole Eligibility
date, appropriate Custody Level, timely Parole Board hearing and
ultimately Liberty in which "Shocked" the Conscience and
subjected Plaintiff to the unnecessary wanton infliction of
Pain.

1 CLAIM 4

2
3 The following civil rights have been violated: Plaintiff's rights
4 to EQUAL Protection of the law Protected by the Nevada
5 Constitution was Violated and Nevada State law.

6 Plaintiff specifically re-alleges Paragraphs (1) through (5.)
7 of the NATURE OF THE CASE as specifically alleged here-in.

8
9 Defendants Terry Howell, Brian Williams, James Ozurendo, Dwight
10 Neven, Dwayne Deal, R. Barrett, Adam Paul Laxalt, and Allison Herr,
11 as Directors, Wardens, Attorney Generals, employees and Policy
12 makers in charge of training, applying and overseeing plaintiff's stat-time
13 work time credits directly Violated Plaintiff's Nevada Constitutional
14 Rights to Equal Protection of the law by Implementing, enforcing
15 and ratifying "Customs" and Policies which arbitrary government
16 action were imposed motivated by pure "spite" to deprive Plaintiff
17 of NRS 208.4465 (7)(B.) application of credits along with a small group
18 of felons who committed their crimes before "1997" and "2007"
19 moreover by discriminating against Plaintiff as a class of one
20 informing the Court Plaintiff was not entitled to NRS 208.4465
21 (7)(B) in there response to writ of Habeas Corpus as seen
22 in Exhibit () These Customs were the direct Moving force
23 of Plaintiff's Nevada Constitutional Rights Violations.

1 CLAIM 5

2
3 the following Civil Rights have been Violated: Plaintiff has
4 been Subjected to Negligence in Violation of the laws and
5 the Nevada Constitution, N.V. State Law.

6
7 Plaintiff specifically re-alleges Paragraphs (1) through (5)
8 of the Nature of the Case as specifically alleged here-in.

9
10 Defendants Jerry Howell, Bryan Williams, James Dzurenda,
11 Dwight Neven, Dwayne Deal, R. Barrett, Adam Paul Lexalt, and
12 Allison Herr, as Directors, Wardens, Attorney Generals, employees,
13 and Policy makers in charge of training, applying and overseeing
14 Plaintiff's stat-time work time Credits directly Violated Plaintiff's
15 State law and Constitutional Right to be free from negligent
16 government actions being imposed on Plaintiff by implementing,
17 enforcing and ratifying Customs and Policies in which allows
18 and Supports N.D.O.C. to refuse and or fail to apply
19 the appropriate Credit application to Plaintiff category (B) conviction.

20
21 Plaintiff in the instant Case, is a lay man of the law and has no
22 physical access to a law library at this time and is at the mercy of
23 this court to interpret Courts (Claims)(1) through (5) into the State
24 laws that were violated in which Plaintiff is entitled relief as
25 Plaintiff does not have the exact law NV#NRS but only exhibits
26 and his allegation.

9) Have you filed other actions in state or federal courts involving the **same or similar facts** as involved in this action? Circle one: Yes or No. If your answer is "Yes," describe each lawsuit. (If more than one, describe the others on an additional page answering the following questions.)

a) Defendants: _____

b) Name of court and docket number: _____

c) Disposition (for example, was the case dismissed, appealed or is it still pending?):

d) Issues raised: _____

e) Approximate date it was filed: _____

f) Approximate date of disposition: _____

10) Have you filed an action in federal court that was dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted? Circle one: Yes or No. If your answer is "Yes," describe each lawsuit. (If you had more than three actions dismissed based on the above reasons, describe the others on an additional page answering the following questions.)

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

a) Defendants: _____

b) Name of court and case number: _____

c) The case was dismissed because it was found to be (circle one): (1) frivolous;
(2) malicious; or (3) failed to state a claim upon which relief could be granted.

d) Issues raised: _____

e) Approximate date it was filed: _____

f) Approximate date of disposition: _____

Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: _____
- b) Name of court and case number: _____
- c) The case was dismissed because it was found to be (circle one): (1) frivolous; (2) malicious; or (3) failed to state a claim upon which relief could be granted.
- d) Issues raised: _____

- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: _____
- b) Name of court and case number: _____
- c) The case was dismissed because it was found to be (circle one): (1) frivolous; (2) malicious; or (3) failed to state a claim upon which relief could be granted.
- d) Issues raised: _____

- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

D. REQUEST FOR RELIEF

I believe I am entitled to the following relief: i. 150,000 Per Defendant for Compensatory damages ii. 50,000 for punitive damages
iii. 60,000 for general damages iv. that this Court maintains Jurisdiction of this Case v. that plaintiff receives immediate relief of any remaining obligations to any time left on Plaintiff's Current Sentence.

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. I **DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT. See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.**

N/A
(name of person who prepared or helped prepare this complaint if not the plaintiff)

Christopher D. Mack
(signature of plaintiff)

October 30, 2019
(date)

COPY

Electronically Filed
2/15/2018 8:46 AM
Steven D. Grierson
CLERK OF THE COURT

Steven D. Grierson

1 NEOJ

2 **DISTRICT COURT**
3 **CLARK COUNTY, NEVADA**

4 CHRISTOPHER MACK,

5 Petitioner,

Case No: A-17-754557-W

6 Dept. No: VII

7 vs.

8 DWIGHT NEVENS,

9 Respondent,

10 **NOTICE OF ENTRY OF ORDER**

11 PLEASE TAKE NOTICE that on February 9, 2018, the court entered a decision or order in this matter,
a true and correct copy of which is attached to this notice.

12 You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you
13 must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is
14 mailed to you. This notice was mailed on February 15, 2018.

15 STEVEN D. GRIERSON, CLERK OF THE COURT

16 /s/ Amanda Hampton

17 Amanda Hampton, Deputy Clerk

18 **CERTIFICATE OF E-SERVICE / MAILING**

19 I hereby certify that on this 15 day of February 2018, I served a copy of this Notice of Entry on the
20 following:

21 By e-mail:

22 Clark County District Attorney's Office
23 Attorney General's Office – Appellate Division-

24 The United States mail addressed as follows:

25 Christopher Mack # 78847
26 P.O. Box 208
Indian Springs, NV 89070

27 /s/ Amanda Hampton

28 Amanda Hampton, Deputy Clerk

Exhibit (A)

Electronically Filed
2/9/2018 5:53 PM
Steven D. Grerson
CLERK OF THE COURT

Steven D. Grerson

1 DAO

2 EIGHTH JUDICIAL DISTRICT COURT

3 CLARK COUNTY, NEVADA

5 CHRISTOPHER MACK,

6 Petitioner,

7 vs.

8 DWIGHT NEVENS, WARDEN,

9 Respondents.

Case No. A-17-754557-W
Dept. No. VII

10 **DECISION AND ORDER**

11 Petitioner Christopher Mack filed a Petition for Writ of Habeas Corpus challenging the
 12 computation of time by the Nevada Department of Corrections. The matter came before the Court
 13 on November 7, 2017. The Court did not entertain oral arguments and no parties were present. The
 14 Court now rules based solely on the pleadings pursuant to NRS 34.770(2). The Court grants Mr.
 15 Mack's Petition for Writ of Habeas Corpus. The Attorney General's Office supplemented their
 16 response to include information regarding compliance from the NDOC as to the Court's granting of
 17 Mr. Mack's petition. The Court heard the issue regarding NDOC compliance on January 9, 2018.
 18 The Court found that Mr. Mack's sentence was recalculated in compliance with its finding on
 19 November 7, 2017 and Mr. Mack was given an edibility date of September 6, 2017 and would be
 20 added to the next parole calendar.

21 **I. Factual and Procedural Background**

22 Christopher Mack was adjudicated guilty of the following 2001 offenses and was given the
 23 following sentences:

24 Count I- Burglary while in Possession of a Firearm, a category B felony, to serve a
 25 sentence of thirty-six months to one hundred fifty-six months;

26 Count II- Robbery with Use of a Deadly Weapon, a category B felony, to serve a
 27 sentence of thirty-six months to one hundred fifty-six months, plus an equal and consecutive

LINDA MARIE BELL
DISTRICT JUDGE
DEPARTMENT VII

28
FEB 09 2018

<input type="checkbox"/> Voluntary Dismissal	<input checked="" type="checkbox"/> Summary Judgment
<input type="checkbox"/> Involuntary Dismissal	<input type="checkbox"/> Stipulated Judgment
<input type="checkbox"/> Stipulated Dismissal	<input type="checkbox"/> Default Judgment
<input type="checkbox"/> Motion to Dismiss by Dft(s)	<input type="checkbox"/> Judgment of Arbitration

1 sentence of thirty-six months to one hundred fifty-six months for the deadly weapon enhancement,
2 to run consecutive to Count I;

3 Count III- Attempt Robbery with Use of a Deadly Weapon, a category B felony, to
4 serve a sentence of twenty-two months to ninety-six months, plus an equal and consecutive sentence
5 of twenty-two months to ninety-six months for use of a deadly weapon, to run consecutive to Count
6 II;

7 Count VII- Burglary while in Possession of a Firearm, a category B felony, to serve a
8 sentence of thirty-six months to one hundred fifty-six months, to run consecutive to Count III;

9 Count VIII- Robbery with Use of a Deadly Weapon serving a sentence of thirty-six
10 months to one hundred fifty-six months, plus an equal and consecutive sentence of thirty-six months
11 to one hundred fifty-six months for use of a deadly weapon, to run concurrent to Count VII;

12 Count IX- Robbery with Use of a Deadly Weapon serving a sentence of thirty-six
13 months to one hundred fifty-six months, plus an equal and consecutive sentence of thirty-six months
14 to one hundred fifty-six months for use of a deadly weapon, to run concurrent to Count VIII; and

15 Count X- Robbery with Use of a Deadly Weapon serving a sentence of thirty-six
16 months to one hundred fifty-six months plus an equal and consecutive sentence of thirty-six months
17 to one hundred fifty-six months for use of a deadly weapon, to run concurrent to Count IX.

18 Mr. Mack has discharged a portion of his sentence and is currently serving an active sentence
19 for Use of Deadly Weapon Enhancement, a category B felony. The majority of his sentences are
20 pending.

21 **II. Discussion**

22 The Nevada Supreme Court in Williams v. State, 402 P.3d 1260 (Nev. 2017) held that
23 petitioners with offense dates between 1995 and June 30, 2007 are entitled to good time credits
24 under NRS 209.4465(7)(b) if: (1) the petitioner was sentenced under a statute that did not specify a
25 parole eligibility date; and (2) the petitioner has not already been before the parole board on that
26 sentence. As Mr. Mack's offenses took place before June 30, 2007, Mr. Mack may be entitled to
27 additional credits pursuant to Williams.

The Court Grants Mr. Mack's Petition for Good Time Credits Pursuant to the Williams Decision.

Nevada Revised Statute 209.4465 governs the award of credits for crimes committed on or after July 17, 1997. The Court applies the version of the statute in effect when the offenses were committed in its question, because the offense took place before the 2007 amendment of NRS 209.4465. For offenses committed before July 1, 2007, the Court finds that an inmate that meets certain qualifications “must be allowed. . . a deduction of 10 days from his sentence for each month he serves.” NRS 209.4465(1) (2003) (amended 2007). These credits “must be deducted from the maximum term imposed by the sentence,” and “[a]pply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence that must be served before a person becomes eligible for parole.” NRS 209.4465(7) (2003) (amended 2007). For offenses committed after the July 1, 2007 effective date, the petitioner is entitled to “a deduction of 20 days from his sentence for each month he serves.” NRS 209.4465(1) (2007). Williams now governs the credits a petitioner may earn under NRS 209.4465, and their application for offenses committed before July 1, 2007.

Pursuant to Williams, the Nevada Supreme Court found that a petitioner is entitled to apply credits they would have earned under NRS 209.4465 to the current sentence's minimum if: (1) the petitioner was sentenced under a statute that was silent as to a parole eligibility date; and (2) the petitioner had not already appeared before the parole board. Williams at 1266. The Nevada Supreme Court found that NRS 209.4465(7), section (a) provides the general rule for credits earned towards eligibility for parole, and section (b) sets forth the limitations. Under the rules of construction, the Nevada Supreme Court found that section (b) limitations do not apply to a sentencing statute that is silent on parole eligibility. As such, credits earned should be deducted from a petitioner's minimum sentence. Thus, an inmate is eligible for parole sooner than he or she would have been without the credits. Williams at 1262.

Accordingly, the Court finds Mr. Mack is entitled to good time credit deductions from his parole eligibility date under NRS 209.4465 as a result of Williams. The statute under which Mr. Mack was convicted specifies a minimum sentence, but does not specify parole eligibility and Mr.

LINDA MARIE BELL
DISTRICT JUDGE
DEPARTMENT VII

1 Mack has not yet been before the parole board on this sentence. Therefore, Mr. Mack is entitled
2 additional time credits towards his parole eligibility date under NRS 209.4465(7) as it existed in
3 2001.

4 **III. Conclusion**

5 Mr. Mack is entitled to additional credits pursuant to the Williams decision because he is
6 currently serving on a sentence that does not specify a parole eligibility date and he has not yet been
7 before the parole board on this pre-2007 offense. Therefore, the Court grants Mr. Mack's Petition
8 for Writ of Habeas Corpus.

9
10 DATED this day of February 5, 2018.

11
12 
13 LINDA MARIE BELL
14 DISTRICT COURT JUDGE

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LINDA MARIE BELL
DISTRICT JUDGE
DEPARTMENT VII

CERTIFICATE OF SERVICE

2 The undersigned hereby certifies that on the date of filing, a copy of this Order was
3 electronically served through the Eighth Judicial District Court EFP system or, if no e-mail was
4 provided, by facsimile, U.S. Mail and/or placed in the Clerk's Office attorney folder(s) for:

Name	Party
Christopher Mack c/o High Desert State Prison	Petitioner
Allison Herr, Esq. Deputy Attorney General	Counsel for Respondent

TINA HURD
JUDICIAL EXECUTIVE ASSISTANT, DEPARTMENT VII

AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Decision and Order filed in District Court case number A754557 DOES NOT contain the social security number of any person.

/s/ Linda Marie Bell Date 2/5/2018
District Court Judge

LINDA MARIE BELL
DISTRICT JUDGE
DEPARTMENT VII



State of Nevada
Department of Corrections

INMATE GRIEVANCE REPORT

ISSUE ID# 20063063254

ISSUE DATE: 03/27/2018

INMATE NAME		NDOC ID	TRANSACTION TYPE	ASSIGNED TO	
MACK, CHRISTOPHER D		78847	RTRN_L2	DDEAL	
LEVEL	TRANSACTION DATE	DAYS LEFT	FINDING	USER ID	STATUS
2	08/03/2018		Denied	HRJONES	A

INMATE COMPLAINT

OFFICIAL RESPONSE

Responses at the previous levels were correct and appropriate, except the 1st level response mentioned both minimum/maximum but inmates, including you, did receive 209.4465 credits off the maximum terms prior to any court decisions. The NDOC's interpretation of the language in NRS 209.4465, which is what is covered in both the VonSeydewitz and Williams decision, both prior to and after AB 510 and the addition in 209.4465 of subsection 8, and of not giving credits on minimum terms when a minimum sentence was stipulated in the statute the inmate was sentenced under, was actually upheld in a Nevada Supreme Court (NSC) decision prior to the new ruling they put forth in the 'VonSeydewitz' case. It was believed that AB 510 was actually allowing inmates who hadn't been eligible for credits to be applied to their minimum term was now allowed to, with the stipulation that the Cat A or B (209.4465.7.b) that caused him to be able to have 209.4465 credits applied to his minimum term, but that was an unpublished order and was only applied to Inmate VonSeydewitz. However, there was a new published NCS decision (Williams v State), filed October 2017 (which you referenced), and in that order the NSC upheld 'VonSeydewitz' in that offenses sentenced under statutes which did not specify a minimum term that must be served before a person becomes eligible for parole would be eligible for 209.4465 credits, as per NRS 209.4465.7(b), to be applied to the minimum term(s). The NCS's new interpretation was that inmates should have been getting credits towards their minimum term, as outlined below, and that AB 510 actually restricted some inmates with offenses on or after 7-1-07, from getting those credits. The interpretation can be explained such that anyone sentenced under a statute which stipulates a minimum "range" (like not less than 1 and not more than 6 years, for example), would have these credits apply to the minimum term, but sentences under statutes that stipulate a specific minimum (like a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served, for example), would not. A foot note in this decision stipulates that because the application of credits under NRS 209.4465(7)(b) only serves to make an offender eligible for parole earlier, no relief can be afforded where the offender has already expired the sentence or appeared before the Parole Board (PB) on the sentence (paraphrasing). Both your cases fall within the above noted time frame but you already discharged sentences under C181882 and discharged or appeared before PB on Ct 1 Robbery and UDW and Ct 2 Robbery of C#182002 before the Williams decision. Your eligible active sentence (Ct 2 UDW) was adjusted, moving your PED to 9-6-17. You were scheduled and seen by PB 3-12-18 and set that date sooner if they would have wanted to (up to your PED at that time). The remaining eligible sentences (Ct 3, 7, 8, 9 and 10) were adjusted to allow credits toward those minimum terms as well. After being advised of your court ruling you were adjusted and scheduled for a PB hearing as soon as possible. Your request for monetary recompense of \$500,000 is denied.

James Clark
GRIEVANCE RESPONDER

Report Name: NVRIGR

Reference Name: NOTIS-RPT-OR-0217.4

Run Date: AUG-03-18 03:14 PM

Page 1 of 1

Christopher Mack
J. Jones
Exhibit (B)

LOG NUMBER: 20063063254

**NEVADA DEPARTMENT OF CORRECTIONS
SECOND LEVEL GRIEVANCE**

NAME: Christopher Mack I.D. NUMBER: 28847

INSTITUTION: Southern Desert Correction Center UNIT: 1 B #16

I REQUEST THE REVIEW OF THE GRIEVANCE, LOG NUMBER 20063063854, ON THE SECOND LEVEL. THE ORIGINAL COPY OF MY GRIEVANCE AND ALL SUPPORTING DOCUMENTATION IS ATTACHED FOR REVIEW.

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: Christopher Mack DATE: 7-1-18

WHY DISAGREE: In response to your official response to my 1st level grievance, you explained that in ~~the~~ Jessica Williams decision, if I had parole, Action/ or discharged any sentence under the case, I was currently serving, those sentences are, not "eligible" to receive the Minimum/Maximum deducted from my sentence structure. My stance is that it is not my sentences

GRIEVANCE COORDINATOR SIGNATURE: _____ DATE: 7/19/16

SECOND LEVEL RESPONSE: _____

GRIEVANCE UPHELD GRIEVANCE DENIED ISSUE NOT GRIEVABLE PER AF 740

SIGNATURE: Deayne Seal TITLE: over 14 DATE: 8-3-11

GRIEVANCE COORDINATOR SIGNATURE: _____ DATE: 9/18

INMATE SIGNATURE: Christopher Mack DATE: 9/2/18

THIS ENDS THE FORMAL GRIEVANCE PROCESS

Original: To inmate when complete, or attached to formal grievance
Canary: To Grievance Coordinator
Pink: Inmate's receipt when formal grievance filed
Gold: Inmate's Initial receipt

RECEIVED

AUG 02 20

OFFENDER MANAGEMENT NDOC

RECEIVED
JUL 13 2018
S.D.C.C.
TWP.
2020-2021

DOC 2084 (12/01)

LOG NUMBER: 200630632574

**NEVADA DEPARTMENT OF CORRECTIONS
SECOND LEVEL GRIEVANCE**

NAME: Christopher Mack

I.D. NUMBER: 78847

INSTITUTION: Sanjour Detention & Correctional Center UNIT: 1 B #16

I REQUEST THE REVIEW OF THE GRIEVANCE, LOG NUMBER 1000-116-3317, ON THE SECOND LEVEL. THE ORIGINAL COPY OF MY GRIEVANCE AND ALL SUPPORTING DOCUMENTATION IS ATTACHED FOR REVIEW.

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: Christopher Madsen

DATE: 7/10/15

WHY DISAGREE: *To disagree is to offer knowledge and to disagree*

the first time in the history of the world, that the people of the United States have been compelled to go to war with their own government.

GRIEVANCE COORDINATOR SIGNATURE: _____ DATE: _____

SECOND LEVEL RESPONSE:

GRIEVANCE UPHELD **GRIEVANCE DENIED** **ISSUE NOT GRIEVABLE PER AB 740**

SIGNATURE: *John Doe* **TITLE:** *Employee* **DATE:** *8/22/2023*

GRIEVANCE COORDINATOR SIGNATURE:  **DATE:**

INMATE SIGNATURE: _____ **DATE:** _____

THIS ENDS THE FORMAL GRIEVANCE PROCESS

Original:	To Inmate when complete, or attached to formal grievance
Canary:	To Grievance Coordinator
Pink:	Inmate's receipt when formal grievance filed
Gold:	Inmate's initial receipt

RECEIVED

AUG 02 2010

OFFENDER MANAGEMENT NDOC

DOC 3094 (12/01)

NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Christopher Mack I.D. NUMBER: 78847

INSTITUTION: S.D. C.C. UNIT #: 1 B#16

GRIEVANCE #: 20063063254 GRIEVANCE LEVEL: 2nd Level

GRIEVANT'S STATEMENT CONTINUATION: PG. 2 OF 2

that are "eligible" to receive anything! I Am "eligible" to receive a deduction of 20 days from my sentence for each month I serve. I am owed 240 days per year for each month I have served, whether I have been paroled onto my next sentence or Not, or discharged any sentence. I'm under 1 Continuous TERM of imprisonment and have never gotten released. Subsection 7(b) of AB 510's NRS 209.4465 which states : Except as otherwise provided in subsection 8 credits earned pursuant to this section - (6) Apply to eligibility for parole has nothing to do with the deduction of DAYS I'm to receive for each month in Prison I Serve! Remedy: from Dec 1st 2001 to Dec. 1st 2017 I'm owed a total deduction of 3,600 days. Credit all of it to my remaining sentence(s).

Original: Attached to Grievance
Pink: Inmate's Copy

RECEIVED

AUG 02 2018



**State of Nevada
Department of Corrections**

INMATE GRIEVANCE REPORT

ISSUE ID# 20063063254

ISSUE DATE: 03/27/2018

INMATE NAME	NDOC ID	TRANSACTION TYPE	ASSIGNED TO		
MACK, CHRISTOPHER D	78847	RTRN_L1	JHOWELL		
LEVEL	TRANSACTION DATE	DAYS LEFT	FINDING	USER ID	STATUS
1	06/08/2018	5	Denied	SCOOK	INACTIVE

INMATE COMPLAINT

OFFICIAL RESPONSE

I am in receipt of your Grievance #20063063254 and found that you were correctly responded to at the informal level. Your sentence structure was under review by the Offender Management Division (OMD) due to the recent William's decision. Since the filing of your grievance, your sentence structure has been adjusted by OMD and all credits owed have been posted to your active sentence and will be applied to all future sentences on current case that you have to serve. Be advised that according to the William's decision, if you have had parole action and/or discharged any sentence under the case that you are currently serving, those sentences are not eligible to receive the minimum/maximum deducted from your sentence structure.
Grievance Denied.

GRIEVANCE RESPONDER

Report Name: NVRIGR

Reference Name: NOTIS-RPT-OR-0217.4

Run Date: JUN-08-18 09:30 AM

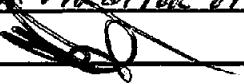
RECEIVED

AUG 02 2018

Page 9 of 12

Log Number 20063063254NEVADA DEPARTMENT OF CORRECTIONS
FIRST LEVEL GRIEVANCENAME: CHRISTOPHER MACK I.D. NUMBER: 78847
INSTITUTION: S. D. C.C. UNIT: 7b #26I REQUEST THE REVIEW OF THE GRIEVANCE, LOG NUMBER 20063063254, IN A FORMAL MANNER. THE ORIGINAL COPY OF MY GRIEVANCE AND ALL SUPPORTING DOCUMENTATION IS ATTACHED FOR REVIEW.

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: Christopher Mack DATE: 5/3/18WHY DISAGREE: Under 209.4465 (1997) NRS, I AM ENTITLED TO HAVE 20 days PER month For Each Month I SERVE (STATUTORY BOND TIME) deducted from the "Minimum" & "Maximum" term of my SENTENCE. according to my calculation I am owed 240 days per year. I was subjected to do 365 days in each year in violation of my (8th) EIGHTH AMENDMENTGRIEVANCE COORDINATOR SIGNATURE:  DATE: 5/18FIRST LEVEL RESPONSE: _____

_____GRIEVANCE UPHELD GRIEVANCE DENIED ISSUE NOT GRIEVABLE PER AR 740WARDEN'S SIGNATURE:  TITLE: WARDEN DATE: 6-7-18GRIEVANCE COORDINATOR SIGNATURE:  DATE: GIRINMATE AGREES INMATE DISAGREES
INMATE SIGNATURE:  DATE: 6/28/18

FAILURE TO SIGN CONSTITUTES ABANDONMENT OF THE CLAIM. A SECOND LEVEL GRIEVANCE MAY BE PURSUED IN THE EVENT THE INMATE DISAGREES.

Original: To inmate when complete, or attached to formal grievance
Canary: To Grievance Coordinator
Pink: Inmate's receipt when formal grievance filed
Gold: Inmate's initial receiptRECEIVED

AUG 02 2018

OFFENDER MANAGEMENT
NDOC

DOC 3093 (12/01)

Log Number 20063043254

**NEVADA DEPARTMENT OF CORRECTIONS
FIRST LEVEL GRIEVANCE**

NAME: CHRISTOPHE HARE I.D. NUMBER: 75847
INSTITUTION: J.A.C.C. UNIT: 76#36

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: Matthew Meek DATE: 5/13/16

WHY DISAGREE: *Unilever v. P. G. (1997) 141 F.3d 545, 55 U.S.P.Q.2d 1435 (CAFC 1998).* I am sympathetic to

So when you search for early work I see we (STATISTICAL and other) collected from the "Handbook of Statistics" many of our statistics. According to my calculations about 80% of our statistics in the 1920's and 1930's came from the BSC. Since no such work is available at the BSC I don't know if the BSC's statistics

GRIEVANCE COORDINATOR SIGNATURE: _____ DATE: _____

FIRST LEVEL RESPONSE:

GRIEVANCE UPHELD **GRIEVANCE DENIED** **ISSUE NOT GRIEVABLE PER AR 740**

WARDEN'S SIGNATURE: TITLE: DATE:

GRIEVANCE COORDINATOR SIGNATURE:  **DATE:** 12/11/2011

INMATE AGREES INMATE DISAGREES

INMATE SIGNATURE: DATE:

FAILURE TO SIGN CONSTITUTES ABANDONMENT OF THE CLAIM. A SECOND LEVEL GRIEVANCE MAY BE PURSUED IN THE EVENT THE INMATE DISAGREES.

Original:	To inmate when complete, or attached to formal grievance
Canary:	To Grievance Coordinator
Pink:	Inmate's receipt when formal grievance filed
Gold:	Inmate's initial receipt

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AUG 02 2018

OFFENDER MANAGEMENT NDOC

NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Christopher Mack I.D. NUMBER: 78847

INSTITUTION: S.D.C.C. UNIT #: 7B#26

GRIEVANCE #: 20063063254 GRIEVANCE LEVEL: First Level

GRIEVANT'S STATEMENT CONTINUATION: PG. 2 OF 3

right to cruel & unusual punishment, (14th) Fourteenth Amendment which Guarantees Equal Protection of the Law to all citizens, when the N.D.O.C. decided to NOT exercise Established Law set forth in / under NRS. 209.4465 (1997). Because of this All of my parole eligibility dates WERE set back YEARS and My expiration dates WERE set back YEARS. From the date of December 1st 2001 until December 1st 2017, at 20 days Per month, 240 Per year I'm owed a total of 3,600 days. REMEDY: The 20 days Per Month deducted from EACH month served according to NRS 209.4465 (1997) that was denied Me from my Minimum & Maximum terms of my sentence from December 1st 2001 until December 1st 2017... be deducted from the Minimum and Maximum terms of my Remaining Pending Sentence. (MEANING, all the

Original: Attached to Grievance

Pink: Inmate's Copy

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NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Christopher Mack I.D. NUMBER: 78847

INSTITUTION: S.D. C.C. UNIT #: 7B #86

GRIEVANCE #: 20063063854 GRIEVANCE LEVEL: First Level

GRIEVANT'S STATEMENT CONTINUATION: PG. 3 OF 3

days I'm still owed, Approximately 3,600 days,
be CREDITed to the remainder of my
sentence structure.)

Respectfully Submitted

Original: Attached to Grievance
Pink: Inmate's Copy

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AUG 02 2018



State of Nevada
Department of Corrections

INMATE GRIEVANCE REPORT

ISSUE ID# 20063063254

ISSUE DATE: 03/27/2018

INMATE NAME	NDOC ID	TRANSACTION TYPE	ASSIGNED TO
MACK, CHRISTOPHER D	78847	RTRN_INF	RBARRETT

LEVEL	TRANSACTION DATE	DAYS LEFT	FINDING	USER ID	STATUS
IF	04/17/2018	5	Resolved	SCOOK	INACTIVE

INMATE COMPLAINT

OFFICIAL RESPONSE

I have forwarded your grievance to Offender Management Division (OMD) and your sentence structure is under review. It appears you may be eligible under the Williams decision. Once OMD has completed the review, you will be notified of any changes.
 Grievance under OMD review.



 GRIEVANCE RESPONDER

X

RECEIVED

Report Name: NVRIGR

Reference Name: NOTIS-RPT-OR-0217.4

Run Date: APR-17-18 09:18 AM

AUG 02 2018 Page 9 of 10

OFFENDER MANAGEMENT
 NDOC

Log Number

**NEVADA DEPARTMENT OF CORRECTIONS
INFORMAL GRIEVANCE**

NAME: CHRISTOPHER MACK

I.D. NUMBER: 76847

INSTITUTION: S.D.C.C.

UNIT: 6 C #25

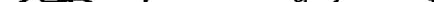
GRIEVANT'S STATEMENT: Under 209.4465 (A)(7) N.R.S., I am ENTITLED TO have 20 days PER month of STATUTORY GOOD TIME deducted from THE "minimum" and "maximum" TERM of my SENTENCE. (N.D.O.C.) HAS NOT done this.
REMEDY : 20 days PER month that WERE NOT deducted from the "minimum" & MAXIMUM end of my sentence from December 1st 2001

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: Christopher Jackson DATE: 2-21-18 TIME: 3:00 PM

GRIEVANCE COORDINATOR SIGNATURE:  DATE:  TIME: 

GRIEVANCE RESPONSE: See Attached

CASEWORKER SIGNATURE:  DATE: 7/20/18

— GRIEVANCE UPHELD GRIEVANCE DENIED ISSUE NOT GRIEVABLE PER AR 740

GRIEVANCE COORDINATOR APPROVAL:  DATE: 4/19/18

INMATE AGREES INMATE DISAGREES

INMATE SIGNATURE: Chris M. Moseley DATE: 5/21/18

FAILURE TO SIGN CONSTITUTES ABANDONMENT OF THE CLAIM. A FIRST LEVEL GRIEVANCE MAY BE PURSUED IN THE EVENT THE INMATE DISAGREES.

Original:	To inmate when complete, or attached to formal grievance
Canary:	To Grievance Coordinator
Pink:	Inmate's receipt when formal grievance filed
Gold:	Inmate's initial receipt

filed RECEIVED 2016

AUG 02 2018

**NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM**

NAME: Christopher Mack I.D. NUMBER: 78847

INSTITUTION: S. D. C. C. UNIT #: 6 C#25

GRIEVANCE #: _____ GRIEVANCE LEVEL: *informal*

GRIEVANT'S STATEMENT CONTINUATION: PG. 2 OF 2

until present, be deducted from the Minimum & Maximum of Remaining pending Sentences.

Original: Attached to Grievance
Pink: Inmate's Copy

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AUG 02 2018

DOC - 3097 (01/02)

OFFENDER MANAGEMENT
NDOC

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE CLAIM FORM**

**THIS FORM MUST BE COMPLETED PER NRS 41.036, 41.0322,
209.243 AND ADMINISTRATIVE REGULATION 740**

**DO NOT SEND DIRECTLY TO ATTORNEY GENERAL'S OFFICE,
BOARD OF EXAMINERS, OR DIRECTOR**

This form is to be attached to your grievance form for any injuries or any other claim (except property) arising out of a tort alleged to have occurred during your incarceration as a result of an act or omission of the Department of Corrections or any of its agents, former officers, employees or contractors.

The following information is necessary to fairly evaluate your claim. Please provide complete information. If you need more space, attach a separate sheet of paper. You may submit additional evidence if available. Such additional evidence will be returned.

CLAIM IN THE AMOUNT OF \$ 500,000 is hereby made against the Department of Corrections, based upon the following facts:

1. NAME OF CLAIMANT (Please print full name)		2. I.D. #	3. INSTITUTION
<u>Christopher Mack</u>		<u>78847</u>	<u>S.D. C. C.</u>
4. AMOUNT OF CLAIM	5. DATE AND DAY OF OCCURRENCE		6. TIME (a.m. or p.m.)
<u>\$ 500,000</u>	<u>12/01/01 'Til Present</u>		
7. PLACE OF OCCURRENCE			
<u>S.D.C.C.</u>			

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AUG 02 2018

8. Describe here, in complete detail, exactly how your claim loss or damage occurred and why you believe the institution is responsible or liable:

Under 209.4465 (G)(7) N.R.S., I am ENTITLED TO HAVE 20 days PER month of STANDBY GOOD TIME deducted from the "MINIMUM" TERM of my sentence as well as the "MAXIMUM" TERM of sentence. N D O C has denied me this from the date of December 1st 2001 until Present.

9. Witnesses. Be sure to include any staff member who may have been involved in, or has any knowledge of, your alleged loss; also, list any inmate who has actual knowledge of facts pertinent to your claim:

DIRECTOR James Dzurenda,
Warden Jo Entry

10. Other pertinent information:

Court issued a decision and order on February 9th 2018 ruling in my favor Granting My Habeas Corpus. The Nevada Supreme Court in Williams v. STATE 402 P.3d 1260 (Nev 2017) held that defendants with offense dates between 1995 and June 2007 are ENTITLED to good time credits under N.R.S. 209.4465 (G).

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Page 2 of 3

AUG 02 2018

OFFENDER MANAGEMENT
NDOC

STATE OF Nevada)
COUNTY OF CLARK) SS

I, Christopher Mack, do hereby swear under penalty of perjury that I am the claimant named above, that I have read the foregoing claim and know the contents thereof, that the same is true of my own knowledge, except those matters stated upon information and belief, and as to those matters, I believe them to be true, and that THIS IS MY ENTIRE CLAIM AGAINST THE STATE OF NEVADA/DEPARTMENT OF CORRECTIONS.

I FULLY UNDERSTAND THAT I WILL HAVE TO SIGN A GENERAL RELEASE OF ALL CLAIMS IN THE PRESENCE OF A NOTARY PUBLIC FOR THE EXACT AMOUNT I AM CLAIMING BEFORE ANY PAYMENT WILL BE OFFERED TO ME. THIS GENERAL RELEASE WILL BECOME EFFECTIVE ONLY UPON ACTUAL PAYMENT OF THE CLAIM BY THE STATE OF NEVADA.

DATED this 21 day of February, 20 18

Christopher Mack
Signature of Claimant

NOTICE

NEVADA REVISED STATUTE 197.160 provides that every person who knowingly presents a false or fraudulent claim is guilty of a gross misdemeanor, and is subject to criminal penalties of imprisonment of up to one year, and a fine of up to \$2,000.00.

DOC - 3095 (12/01)

RECORDED

AUG 02 2018

NEVADA DEPARTMENT OF CORRECTIONS

ADMINISTRATIVE CLAIM RELEASE AGREEMENT

I, Christopher Mack, NDOC # 78847 as claimant, did on the 21 day of February, 2018, file against and deliver to the Department of Corrections, via the Warden of S. D. C. C., an institution/facility of the Department of Corrections, an Inmate Grievance No. _____, alleging personal injuries or any other claim arising out of a tort alleged to have occurred during my incarceration as a result of an act or omission of the Department of Corrections or any of its agents, former officers, employees, or contractors described as _____

I acknowledge that \$ _____ will be deposited into my account as payment in full, for the above claim and hereby release the State of Nevada, the Nevada Department of Corrections and any and all agents, servants and/or employees of the state and agency from all liability of any kind whatsoever from any further claim for items identified on this grievance.

I UNDERSTAND THIS RELEASE WILL BECOME EFFECTIVE ONLY UPON THE APPROVAL OF MY CLAIM BY THE STATE OF NEVADA AND/OR THE NEVADA DEPARTMENT OF CORRECTIONS.

DATED this _____ day of _____, ____.

SIGNED: _____ SOCIAL SECURITY # _____
Signature of Claimant

WITNESS: _____

TITLE: _____



DOC-3096

AUG 02 2018

1677 Old Hot Springs Road
Suite A
Carson City, Nevada 89706-0677
<http://parole.nv.gov>
(775) 687-5049
Fax (775) 687-6736

CONNIE S. BISBEE, Chairman
SUSAN L. JACKSON, Member
ADAM ENDEL, Member
TONY CORDA, Member

DENISE DAVIS, Executive Secretary

STATE OF NEVADA
BRIAN SANDOVAL
Governor



4000 S. Eastern Avenue
Suite 130
Las Vegas, Nevada 89119-0840
<http://parole.nv.gov>
(702) 486-4370
Fax (702) 486-4376

CONNIE S. BISBEE, Chairman
EDDIE GRAY JR., Member
MICHAEL KEELER, Member
MAURICE SILVA, Member

NEVADA BOARD OF PAROLE COMMISSIONERS

September 24, 2013

Christopher Mack #78847
High Desert State Prison
PO Box 650
Indian Springs, NV 89070

Dear Mr. Mack,

I received and read your letter dated September 16, 2013 which relates to an action by the Board in 2004 to grant parole to your consecutive sentence. After reading your letter and reviewing your case I can provide the following information.

Based on information provided to the Board by the NDOC, when the parole hearing was conducted on July 9, 2004, the only case number that appeared in your sentence structure was 182002. The case you were considered for parole on at that time was Burglary with a Firearm, which was a 3 to 13 year sentence with a parole eligibility date of 11-29-2004. You were granted parole to a consecutive 3 to 13 year Robbery sentence (same case number).

Prior to the 11-29-2004 date, new sentences resulting from a different conviction were applied to your sentence structure. It appears that a new case (181882-Robbery) was applied to run concurrent with the Burglary with a Firearm sentence in case 182002. NRS 213.1213 states that eligibility for parole on concurrent sentences is based on the sentence requiring the longest period of time to serve before eligibility, it appears the new sentence "preempted" your eligibility on case number 182002 (Burglary with a Firearm).

I was unable to find written notice to the Board from the NDOC that your sentence structure had changed after the new sentences (from case number 181882) were applied to your previous sentence structure. I was also unable to find a record that the order granting parole on the Burglary with a Firearm was rescinded, but in 2007 when you became eligible on the new case (181882) the hearing held on 3-6-2007 included the Burglary with a Firearm case that was previously granted parole. It appears that the Board was under the impression that you lost eligibility after the parole grant in 2004 because of the new controlling sentence.

Because the NDOC has the statutory obligation to interpret judgments of conviction and determine parole eligibility, any issue related to your sentence structure and the interpretation of parole eligibility based on the issuance of court judgements and parole orders should be addressed to them.

Exhibit (C)

A-17-754557-W
IPWHC
Inmate Filed - Petition for Writ of Habeas
4644174

FILED

APR 27 2017

CLERK OF COURT

1 Case No. C182002
2 Dept. No.

3 IN THE 8th JUDICIAL DISTRICT COURT OF THE
4 STATE OF NEVADA IN AND FOR THE COUNTY OF Clark.

5 Christopher Mack
6 Petitioner,

7 Dwight Nevens Warden (HDP)
8 Respondent.

9 v.
10 PETITION FOR WRIT
11 OF HABEAS CORPUS
12 (POSTCONVICTION),
13 Compensation et
14 Good time / work time credits

A-17-754557-W
VII

INSTRUCTIONS:

15 (1) This petition must be legibly handwritten or typewritten, signed by the petitioner and verified.

16 (2) Additional pages are not permitted except where noted or with respect to the facts which you rely upon to
17 support your grounds for relief. No citation of authorities need be furnished. If briefs or arguments are submitted,
18 they should be submitted in the form of a separate memorandum.

19 (3) If you want an attorney appointed, you must complete the Affidavit in Support of Request to Proceed in
20 Forma Pauperis. You must have an authorized officer at the prison complete the certificate as to the amount of
money and securities on deposit to your credit in any account in the institution.

21 (4) You must name as respondent the person by whom you are confined or restrained. If you are in a specific
22 institution of the Department of Corrections, name the warden or head of the institution. If you are not in a specific
23 institution of the Department but within its custody, name the Director of the Department of Corrections.

24 (5) You must include all grounds or claims for relief which you may have regarding your conviction or sentence.
Failure to raise all grounds in this petition may preclude you from filing future petitions challenging your conviction
25 and sentence.

26 (6) You must allege specific facts supporting the claims in the petition you file seeking relief from any conviction
or sentence. Failure to allege specific facts rather than just conclusions may cause your petition to be dismissed. If
27 your petition contains a claim of ineffective assistance of counsel, that claim will operate to waive the attorney-
client privilege for the proceeding in which you claim your counsel was ineffective.

28 (7) When the petition is fully completed, the original and one copy must be filed with the clerk of the state
district court for the county in which you were convicted. One copy must be mailed to the respondent, one copy to
the Attorney General's Office, and one copy to the district attorney of the county in which you were convicted or to
the original prosecutor if you are challenging your original conviction or sentence. Copies must conform in all
particulars to the original submitted for filing.

PETITION

29 1. Name of institution and county in which you are presently imprisoned or where and how you are presently
30 restrained of your liberty: High Desert State Prison, Clark County.

31 2. Name and location of court which entered the judgment of conviction under attack: 8th judicial
32 District Court, Las Vegas, Nevada.

33 3. Date of judgment of conviction: Oct. 10, 2003/Amended 4/11/05

34 4. Case number: C182002

35 5. (a) Length of sentence: Burglary while in Possession of A Firearm/Class B Felony

RECEIVED

APR 26 2017

Exhibit (D)

County, Nevada

777-754557-W

VII

Case No.

(Assigned by Clerk's Office)

I - Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone):

Christopher Mack

H 7847

PO Box 650 Indian Springs

NV 89070

Defendant(s) (name/address/phone):

Dwight Stevens

Warden

Attorney (name/address/phone):

Attorney (name/address/phone):

6

A-17-754557-W

CCS

Civil Cover Sheet

4644173



II. Nature of Controversy (please select the one most applicable filing type below)

Civil Case Filing Types

Real Property		Torts	
Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant	Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence	Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort	
Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property	Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice		
Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property			
Probate		Construction Defect & Contract	
Probate (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 & Unknown <input type="checkbox"/> Under \$2,500		Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ		Other Civil Filing	
Civil Writ <input checked="" type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant		<input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ	Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

4/6/2017

Date

Signature of initiator *RECORDED BY CLERK*Signature of initiator *RECORDED BY CLERK*

See other side for family-related case filings.

Length of Sentence Continuance

COUNT - II - Robbery with USE OF A deadly weapon /Class B Felony- NRS 206.380, 193.330)

COUNT - III - Attempt Robbery with USE OF A deadly weapon /Class B Felony. 206.380, 193.165, 330)

COUNT - ~~IV~~ VII Burglary ~~while in~~ in possession of A Firearm /Class B Felony -NRS 205.060)

COUNT - VIII - Robbery with the USE of A deadly weapon /Class B Felony -NRS 206.380 193.165)

COUNT - IX - Robbery with the USE of A deadly weapon /Class B Felony NRS 206.380,193.165)

COUNT - X - Robbery with the use of a deadly weapon /Class B Felony NRS 206.380 193.165)

1 (b) If sentence is death, state any date upon which execution is scheduled: N/A

2 6. Are you presently serving a sentence for a conviction other than the conviction under attack in this motion?

3 Yes ✓ No

4 If "yes," list crime, case number and sentence being served at this time: In the [redacted] judgement etc.
 5 Conviction there are numerous consecutive sentences to be
 6 served

7 7. Nature of offense involved in conviction being challenged: Burglary, Robbery, etc.
 8 use

9 8. What was your plea? (check one) N/A

10 (a) Not guilty

11 (b) Guilty

12 (c) Guilty but mentally ill

13 (d) Nolo contendere

14 9. If you entered a plea of guilty or guilty but mentally ill to one count of an indictment or information, and a
 15 plea of not guilty to another count of an indictment or information, or if a plea of guilty or guilty but mentally ill was
 16 negotiated, give details:

17

18 10. If you were found guilty or guilty but mentally ill after a plea of not guilty, was the finding made by: (check one)

19 (a) Jury

20 (b) Judge without a jury

21 11. Did you testify at the trial? Yes, No

22 12. Did you appeal from the judgment of conviction? Yes, No

23 13. If you did appeal, answer the following:

24 (a) Name of court:

25 (b) Case number or citation:

26 (c) Result:

27 (d) Date of result:

28 (Attach copy of order or decision, if available.)

1 14. If you did not appeal, explain briefly why you did not: *N/A*

2
3
4 15. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any
5 petitions, applications or motions with respect to this judgment in any court, state or federal? Yes No

6 16. If your answer to No. 15 was "yes," give the following information:

7 (a) (1) Name of court:

8 (2) Nature of proceeding: *N/A*

9
10 (3) Grounds raised:

11
12
13 (4) Did you receive an evidentiary hearing on your petition, application or motion? Yes No

14 (5) Result:

15 (6) Date of result: *N/A*

16 (7) If known, citations of any written opinion or date of orders entered pursuant to such result:
17
18 (b) As to any second petition, application or motion, give the same information:
19 (1) Name of court:

20 (2) Nature of proceeding: *N/A*

21 (3) Grounds raised:

22 (4) Did you receive an evidentiary hearing on your petition, application or motion? Yes No

23 (5) Result:

24 (6) Date of result: *N/A*

25 (7) If known, citations of any written opinion or date of orders entered pursuant to such result:
26
27 (c) As to any third or subsequent additional applications or motions, give the same information as above, list
28 them on a separate sheet and attach.

1 (d) Did you appeal to the highest state or federal court having jurisdiction, the result or action taken on any
2 petition, application or motion?

3 (1) First petition, application or motion? Yes No

4 Citation or date of decision: *N/A*

5 (2) Second petition, application or motion? Yes No

6 Citation or date of decision:

7 (3) Third or subsequent petitions, applications or motions? Yes No

8 Citation or date of decision:

9 (e) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you
10 did not. (You must relate specific facts in response to this question. Your response may be included on paper which
11 is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in
12 length.).....

N/A

14 17. Has any ground being raised in this petition been previously presented to this or any other court by way of
15 petition for habeas corpus, motion, application or any other postconviction proceeding? If so, identify:

16 (a) Which of the grounds is the same:

N/A

18 (b) The proceedings in which these grounds were raised:

20 (c) Briefly explain why you are again raising these grounds. (You must relate specific facts in response to this
21 question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your
22 response may not exceed five handwritten or typewritten pages in length.)

N/A

24 18. If any of the grounds listed in Nos. 23(a), (b), (c) and (d), or listed on any additional pages you have attached,
25 were not previously presented in any other court, state or federal, list briefly what grounds were not so presented,
26 and give your reasons for not presenting them. (You must relate specific facts in response to this question. Your
27 response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not
28 exceed five handwritten or typewritten pages in length.)

1
2 19. Are you filing this petition more than 1 year following the filing of the judgment of conviction or the filing
3 of a decision on direct appeal? If so, state briefly the reasons for the delay. (You must relate specific facts in
4 response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the
5 petition. Your response may not exceed five handwritten or typewritten pages in length.) *Complaint*
6 *of good time credit*

7 20. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment
8 under attack? Yes No

9 If yes, state what court and the case number:
10
11 *N/A*

12 21. Give the name of each attorney who represented you in the proceeding resulting in your conviction and on
13 direct appeal:
14
15 *N/A*

16 22. Do you have any future sentences to serve after you complete the sentence imposed by the judgment under
17 attack? Yes No

18 If yes, specify where and when it is to be served, if you know:
19
20 *N/A*

21 23. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the
22 facts supporting each ground. If necessary you may attach pages stating additional grounds and facts
23 supporting same.
24
25
26
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1 (a) Ground ONE: N.R.S. 209.4465 (1997)

2 20 days Per month deducted from "minimum"
3 and "maximum" terms of my sentence.

4
5 Supporting FACTS (Tell your story briefly without citing cases or law.):
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Under N.R.S. 209.4465 (1997)

I am entitled to have 20 days per month of Statutory good time deducted from the minimum and maximum terms of my sentence.

The (N.D.C.C.) has refused and/or failed to deduct the 20 days of Statutory good time I have earned from the minimum and maximum terms of my sentence. I have requested that 20 days of Statutory good time be deducted from the terms of my sentence "Yet" (N.D.C.C.) has refused and/or failed to deduct that good time from my sentence.

Pursuant to NRAP Rule 33(3)(C) I rely upon the decision of the Nevada Supreme court in *Venseydehitz v. Legrand*, N.S.C. case No. 66159, as persuasive authority that I am entitled to relief in this case.

1 (b) Ground TWO: Ex Post Facto law Article.....
2 I, Sec. 10, of the U.S. Constitution.....
3

4

5 Supporting FACTS (Tell your story briefly without citing cases or law.):

6

7 I am being denied my constitutional right
8 to be free from ex Post facto law under Article
9 I, Sec. 10, of the U.S. Constitution by the application
10 of the exclusionary Provisions of Section 8
11 of N.R.S. 209.4465 (2007) to deny me 30 days
12 of Statutory good time per month being deducted
13 from the minimum and maximum terms of my
14 Sentence.

15 I incorporate all of the facts contained
16 in ground one into this ground for relief. The (N.D.G.C.)
17 appears to be denying me the 30 days a month
18 of Statutory good time being deducted from
19 the minimum and maximum terms of my sentence
20 based on the exclusion Provisions of Section 8 of
21 N.R.S. 209.4465

22 This is a violation of my ex-Post facto
23 right. I rely upon the decisions in the following cases
24 to support my position in this ground for relief. *Weaver V.*
25 *Graham*, 450 U.S. 24 (1981) *Stevens V. Nevada State*
26 *Prison*, 969 P.2d 945 (NV 1991) *Goldseworthy*
27 *V. Hannifin*, 468 P.2d 350 (1970)

1 (c) Ground THREE:

2
3 Summary.
4

5 Supporting FACTS (Tell your story briefly without citing cases or law.):

6
7 Under 209 4465 (1997) Petitioner
8 is entitled to have 20 days Per Month of
9 Statutory good time deducted from the
10 minimum and maximum terms of his Sentence.

11
12 The record reflects Petitioner has
13 not had 20 days deducted from the "minimum"
14 and maximum terms of his Sentence in which he
is entitled to.

15
16 This is a violation of Petitioners
17 Constitutional rights to Due Process and
18 equal Protection of the Law. That needs to be
19 addressed immediately and appropriately to protect
the interest of Justice.

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1 (d) Ground FOUR:

2
3 Remedy.
4

5 Supporting FACTS (Tell your story briefly without citing cases or law.):

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7 The 20 Days Per Month not
8 deducted from 2001 till 2017 (16) teen years
9 worth deducted from the minimum and maximum
10 Sentence remaining.

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12 Respectfully, Submitted
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WHEREFORE, petitioner prays that the court grant petitioner relief to which petitioner may be entitled in this proceeding.

EXECUTED at High Desert State Prison on the 20 day of the month of April, 2017.

Christopher Muck

High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070
Petitioner in Proper Person

VERIFICATION

Under penalty of perjury, the undersigned declares that the undersigned is the petitioner named in the foregoing petition and knows the contents thereof; that the pleading is true of the undersigned's own knowledge, except as to those matters stated on information and belief, and as to such matters the undersigned believes them to be true.

Christopher Muck

High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070
Petitioner in Proper Person

AFFIRMATION (Pursuant to NRS 239B.030)

The undersigned does hereby affirm that the preceding PETITION FOR WRIT OF HABEAS CORPUS filed in District Court Case Number C182003 Does not contain the social security number of any person.

Christopher Muck

High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070
Petitioner in Proper Person

CERTIFICATE OF SERVICE BY MAIL

I, Christopher Muck, hereby certify pursuant to N.R.C.P. 5(b), that on this 20 day of the month of April, 2017, I mailed a true and correct copy of the foregoing PETITION FOR WRIT OF HABEAS CORPUS addressed to:

D.W. Neven, Warden High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070

Attorney General of Nevada
100 North Carson Street
Carson City, Nevada 89701

Clark County District Attorney's Office
200 Lewis Avenue
Las Vegas, Nevada 89155

Christopher Muck

High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070
Petitioner in Proper Person

* Print your name and NDOC back number and sign

1. REFILE
100-2007
100-2007
ZIP 89155
CITY: LAS VEGAS

3400

opher Mack # 78847
ex 650
on Springs, NV 89070

Clerk of the court
200 Lewis Avenue
Las Vegas, N.V. 89155-1160

RECORDED
MAIL

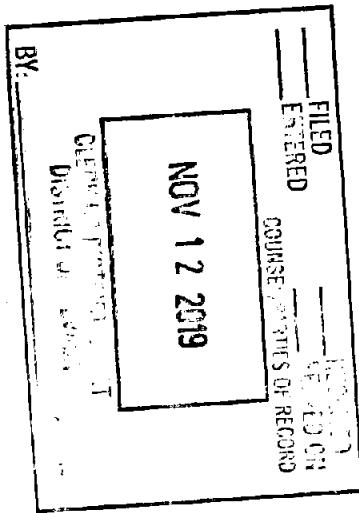
EMAIL MAIL

LAND SURVEYORS
HIGH DESERT STAFF PERSON

APR 20 2017

RECEIVED

Christopher D. Mack #78847
Southern Desert Correctional Center
P.O. Box 208
Indian Springs, NV. 89070



LLoyd D.

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